



MEMORANDUM

Office of the City Attorney

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TO: MAYOR AND CITY COMMISSIONERS **DATE:** August 9, 1999
SECOND READING

FROM: CITY ATTORNEY

SUBJECT: Ordinance No. 0-99-26; Petition 215CPA-98PB
An ordinance of the City of Gainesville, Florida, amending Policy 2.1.1 of the Future Land Use Element of the City of Gainesville 1991-2001 Comprehensive Plan to establish minimum densities of 8 units per acre for the Residential Medium Density (currently 10-30 units per acre) and Residential High Density (currently 21-100 units per acre) land use categories, to exempt lots of a certain size from minimum density requirements in the Residential Medium and Residential High Density categories, and to allow single-family use in the Residential High Density category; providing directions to the city manager; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission adopt the proposed ordinance, as amended

STAFF REPORT

The proposed amendment is to reduce the minimum density requirements in the Residential Medium and Residential High Density categories to eight units per acre, exempt lots of certain sizes (less than or equal to 0.5 acre) from minimum density requirement, and provide for single family as an allowable use in the Residential High Density category.

The Department of Community Affairs (DCA) completed its review and transmitted the Department's Objections, Recommendations and Comments (ORC) report (attached) on June 29, 1999. The attached ORC Response and the Supplemental Data and Analysis Report address each of the Department's objections. Staff finds the DCA's objections reasonable and has accordingly modified the proposed amendment to the Comprehensive Plan. In addition to the revision requested by DCA to the proposed amendment to the Residential High Density residential district, staff has made the same revision to the proposed amendment to the Residential Medium Density, as

explained in both the attached City Response to the ORC and Supplemental Data and Analysis Report. The proposed amendment is acceptable as a result of the findings cited in the December 17, 1998 staff report (attached) and further analysis provided in the attached Supplemental Data and Analysis Report.

CITY ATTORNEY MEMORANDUM

The proposed amendment to the Comprehensive Plan was transmitted to the State Department of Community Affairs for written comment. Any comments, recommendations or objections of the State Department of Community Affairs must be considered at the second public hearing. The City Commission may then adopt or adopt with changes the proposed amendment to the Comprehensive Plan, or determine not to adopt a plan amendment.

The State of Florida Department of Community Affairs issued its Objections, Recommendations and Comments on June 29, 1999. A copy of the DCA's report is attached to this memorandum. The City staff's response to the DCA's report and explanatory memorandum are also attached to this memorandum. Therefore, the City may now proceed with the final adoption of the ordinance. Words that are double-underlined reflect changes made since first reading.

The Plan amendment will not become effective until the State Department of Community Affairs issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

Prepared by:



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Approved and
Submitted by:



Marion J. Radson
City Attorney

MJR:PC:sw